

Case 2:17-cv-00654-MHT-CSC Document 33 Filed 04/15/19 Page 1 of 4

IN THE United States District Court For The  
Middle District of ALABAMA  
Northern Division

Darryle Lee Thomas

AI# 268749

Plaintiff,

Vs.

Wardens Walter Myer et Al.,

Defendants

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U.S. DISTRICT COURT  
MIDDLE DISTRICT OF ALABAMA

Civil Action NO:

2:17-CV-654-MHT-TFM

## AMENDMENT

Comes now the Plaintiff in the Above styled Cause and moves this Honorable Court to Allow him to Amend the complaint to contain the following evidence which show the merits of the Complaint. Plaintiff presents, A copy of A USA Today, April, 4 2019 News Article that shows A Federal Justice Department review, that there is A high risk of being exposed to A serious harm AND A substantial risk of serious harm in the ALABAMA Department of Corrections Prisons system AND A lack of Prisons Officials AND Guards. Also it concluded they violated the Constitution's Prohibition on cruel AND unusual Punishment. Amendment As Exhibit J. USA Today News Article.

Respectfully Submitted by Darryle Lee Thomas

Darryle Lee Thomas 268749

THURSDAY, APRIL 4, 2019

USA TODAY

# Feds find hell in Ala. prisons

Justice Department says murder, rape, drug trade regarded as 'normal'

Kevin Johnson and Kristine Phillips  
USA TODAY

WASHINGTON – Prison inmates in Alabama are routinely subjected to horrifying violence and sexual abuse within "a broken system" where people are murdered "on a regular basis," according to a Justice Department review.

Federal investigators who spent more than two years scrutinizing the prisons in a state that incarcerates more people per capita than almost any other found illegal drugs and weapons were rampant, cellblocks were overcrowded and dilapidated and the few poorly trained officers on duty appeared powerless to establish any semblance of control.

In three cases, investigators said prison officials overlooked apparent murders, ascribing deaths to natural causes even when prisoners had been stabbed. They said that guards turned a blind eye to inmates who were raped and that officials accepted violence and sexual assaults among inmates as "a normal course of business."

In one week in 2017, at least two inmates died – one from a stabbing and the other from a drug overdose – and others were beaten and sexually assaulted in daily clashes across 13 prisons that house 16,000 inmates.

Conditions in the state's prisons were so bad the Justice Department

concluded they probably violate the Constitution's prohibition on cruel and unusual punishment.

"Our investigation found reasonable cause to believe that Alabama fails to provide constitutionally adequate conditions and that prisoners experience serious harm, including deadly harm, as a result," said Assistant Attorney General Eric Dreiband, chief of the department's Civil Rights Division.

Richard Moore, the U.S. attorney in Mobile, Alabama, called the findings "an embarrassment" and suggested the effort to improve conditions would be "daunting."

"We are better than this," Moore said.

## He could still hear the screams

Three days before federal investigators arrived in Alabama to conduct their first prison inspection in 2017, an inmate was stabbed to death by two other prisoners within a housing unit for problem inmates, known as the "Hot Bay."

Two prisoners stood watch for approaching officers while the victim "screamed for help," Justice Department investigators wrote. When another inmate attempted to intervene, he, too, was stabbed. An officer appeared after other prisoners pounded on the unit's locked doors, but the response came too late.

The officer "found the prisoner lying on the floor bleeding from his chest," the report says. "The prisoner eventually bled to death. ... One Hot Bay resident told us that he could still hear the prisoner's screams in his sleep."

On the same day of the deadly attack, a prisoner at a separate facility was stabbed multiple times, requiring a helicopter evacuation to a nearby hospital – one of several emergency transports to outside hospitals that week.

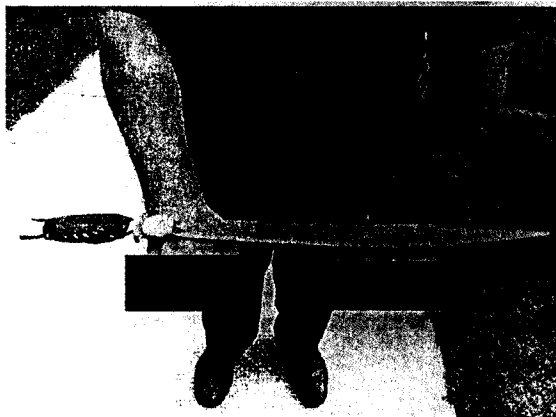
The Justice Department – itself the operator of the nation's largest prison system, beset by its own problems – said it's unconstitutional for prison officials to permit such violence.

Alabama Gov. Kay Ivey, a Republican, said the state has begun to address some of those problems, which she said officials knew about for years.

"Over the coming months, my administration will be working closely with (Justice) to ensure that our mutual concerns are addressed and that we remain steadfast in our commitment to public safety, making certain that this Alabama problem has an Alabama solution," Ivey said in a statement.

Alabama Department of Corrections Commissioner Jeff Dunn said the agency "voluntarily assisted" Justice in its investigation. "Our primary objective is to ensure each facility provides a humane, secure and safe environment for inmates and that reforms already in place and proposed bring about positive, tangible changes throughout the prison system," he said.

Officials said they budgeted funds to hire and retain correctional officers, develop mental health and suicide prevention programs and curtail contraband.



"One of the homemade knives recovered from inmates by officers in Alabama's prisons was the size of a small sword," the Justice Department says in a report. The department says Alabama's inmates had easy access to homemade weapons.

JUSTICE DEPARTMENT

**"Walking out of these gates, knowing you're still alive, that's a successful day."**

Corrections officer to Justice Department investigators

## Too few guards

Persistent overcrowding and staff shortages have exacerbated conditions, "creating an environment rife with violence, extortion, drugs and weapons," the report found. For years, investigators said, the number of guards in Alabama's prisons dropped even as the state packed more inmates into overcrowded facilities. The number of guards dropped from just less than 1,800 in 2013 to about 1,300 in 2017.

That left prisoners to fend for themselves. "Prisoners who are seriously injured or stabbed must find their way to security staff elsewhere in the facility or bang on the door of the dormitory to gain the attention of correctional officers," the report concludes. "Prisoners have been tied up for days by other prisoners while unnoticed by security staff."

In one case, investigators said guards watched an inmate bleed on the other side of a locked fence as they struggled to find a key. In another, investigators said an unnamed inmate told them that a guard told him that he would need to arm himself with a knife to survive.

From 2015 to 2018, at least 27 men were murdered in Alabama prisons, a rate the government said was eight times the national average.

Justice Department investigators said prison officials ascribed at least three of those homicides to "natural causes," including one man who had been stabbed repeatedly a few days earlier, including one puncture in his skull.

The report says Alabama prison officers and officials "appear to accept the high level of violence and sexual abuse ... as a normal course of business."

Prison captains and lieutenants interviewed by investigators indicated that staffers were often resigned to the idea that prisoners "will be subjected to sexual abuse as a way to pay debts accrued to other prisoners."

Prison staffers reported substantial risks of their own.

Since 2017, officers have been "stabbed, punched, kicked ... and had their heads stomped on," the report found, citing incident reports.

"Walking out of these gates, knowing you're still alive, that's a successful day," one officer told investigators.

At the heart of the troubles, state officials said, are staffing shortages at "crisis" levels. This year, prison officials said they would need to hire 2,000 guards and 125 supervisors to adequately staff the state's prisons for men.

## 'Triage in a war zone'

There are so few officers, the report found, that weapons and drugs are easily obtained and trafficked throughout the system.

In one particularly violent housing unit, Bibb Correctional Facility, a captain estimated that up to 200 prisoners of the 1,900 inmates probably possessed homemade knives, known as shanks. In May 2017, a search of the unit resulted in the seizure of 166 of the weapons.

The report contains a photograph of a guard holding a blade that resembles a small sword, a homemade weapon recovered in 2017.

A prisoner described the unit as "a place where you have to fight the day you arrive or you'll be a bitch, so you get a knife."

Alabama officials allowed drugs to flourish, the report says, and staff members allegedly smuggled contraband inside. One employee reportedly earned \$75,000 ferrying drugs and other contraband, and his accomplice – a prisoner – made \$100,000, the report says. Even prisoners referred to the drug problem as an "epidemic."

At Holman Correctional Facility, about 95% of the prison population used drugs, according to one commander's estimate. An investigator reported that several prisoners lay in a hallway at Bullock Correctional Facility after smoking the same drug.

The sight, the report says, resembled "triage in a war zone."

A synthetic marijuana known as K-2 resulted in at least three dozen overdose deaths at several Alabama prisons from 2016 to 2018.



A Justice Department investigation says Alabama prisons may violate constitutional rules against cruel and unusual punishment.

Exhibit / Evidence J

## Certificate of Service

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Amendment by Placing  
the same in the Legal mail box here AT  
EASTLING Correctional Facility here AT 200  
WALLACE Dr. IN ClO, ALABAMA 36017 to  
the Following Parties Involved Addressed  
below Done this 11 day of  
April 2019.

United States District Court (Middle District)  
One Church St.  
Montgomery ALABAMA 36104-4018

ATTORNEY General  
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